

## REMARKS

In paragraph 3 of the Office Action, claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Decelles in view of Schellenbach. It is assumed that the rejection was directed to claims 19-21 and this response is based on that understanding.

Reconsideration is requested.

Claims 19 to 21 have been cancelled, and new claims 22 to 24 have been submitted to distinguish Applicant's invention over the cited references.

New claim 22 substantially corresponds to previous claim 19, but has been slightly amended, without introducing new matter and clearly states in the claim that the top mouth has a top mouth rim encompassing a top mouth opening and that the hinge is coupled to the top mouth rim. Actually, this feature is disclosed in all the drawings of the present application with the exception of figure 6. It is clearly shown in the drawings that the hinge strip is integrally formed with the top rim of the mouth.

On the contrary, Decelles teaches a product container which, in addition not to having an annular gasket of a second material on the covering element, does provide a covering element which is not formed as a single piece with the container body, or main wall, but is formed as a single piece with the outer skirt 530 integral with the main wall of the container. Actually, the outer skirt 530 is necessary for allowing the cover 550 to be snap engaged at the top mouth of the container since the cover 550. This

arrangement does not comprise an inner gasket to be directly engaged in the top rim of the container body. Thus, Applicant does not agree with the assertion of the Examiner that the integral cover body of Decelles is integral with the single wall of the container and, in particular, integral with the top rim of the mouth of the single wall. As clearly shown in all the figures of this document and in particular in figure 11, the top cover 550 is necessarily integral with the outer skirt 530, which complicates the construction of the container since an outer skirt is herein required.

Even if Schellenbach teaches that it is known to provide a container mouth covering element with an annular gasket of a second material on the covering element, it does not make the subject matter of new claim 22 obvious.

In paragraph 4 of the Office Letter, Applicant has noted that claims 16-18 (i.e. 19 to 21) were rejected under 35 U.S.C. §103 as being unpatentable over Schellenbach in view of Mueller.

Applicant believes that this rejection is in error because Mueller teaches that it is known to form a container body and a covering element in a single piece but in Mueller the covering element is not coupled to the single wall of the container, and in particular is not coupled to the top rim of the container mouth, but is in all cases coupled to projecting portions or bases of the top mouth of the container. This construction thereby further complicates the container construction. Accordingly, it is respectfully submitted that it would not be possible to combine the teachings of Schellenbach and Mueller to arrive at the device defined by new claim

22. With respect to the method claims, Applicant has noted that the Examiner has not made a new observation with respect to previous claims 20 and 21. It is believed that claims 20 and 21 defined novel and non obvious subject matter when compared with all the prior art patents cited by the Examiner. New claim 23, substantially corresponds, with minor amendments which do not introduce new matter, to previous claim 20, and new claim 24 substantially corresponds to previous claim 21. In this connection, new claim 24 recites a feature of Applicant's method that the "container" is formed with an open bottom.

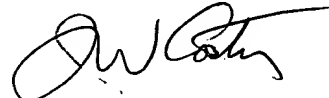
This feature has been clearly shown in page 6. Then, through the open mouth and open bottom, is formed, by blow molding, a further part of the container comprising a product vial or tube. In this case, Applicant's container would have, for allowing the blowing molding method to be carried out, an open bottom. However, it would also operate as "a container", since, in filling the bottom vial or tube, also the top part of the "container", provided with the inventive cover assembly, would be filled.

Accordingly, it is respectfully requested that new claim 24 be allowed. In this connection Applicant also desires to draw the attention of the Examiner that the new claims do not use the terms a "bi-injection" method of forming the container since the Examiner, in a prior Office Action, had stated that it would not be clear for one skilled in the art what would be bi-injection method. New claim 23 recites a step of injecting a first material and a second material for making said single piece assembly. This terminology is clear and points out that two different

materials are used during the molding process. It is respectfully submitted that the constructional features of new claim 22 point out the novel container, and the process steps of new claims 23 and 24 also define novel subject matter. For these reasons, it is requested that the rejection of record not be applied to reject the newly presented claims.

An early and favorable action is earnestly solicited.

Respectfully submitted



James V. Costigan  
Registration No. 25,669

Hedman & Costigan, P.C.  
1185 Avenue of the Americas  
New York, NY 10036  
(212) 302-8989

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correspondence is being  
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